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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Specification

1.   The lengthy specification has not been checked to the extent necessary to determine the

presence of all possible minor errors. Applicant's cooperation is requested in correcting any

errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

3.   Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Balthaser.

Balthaser discloses a method for creating a set of one or more sliced video files (Balthaser: figure 5), comprising: generating a script configured to run independently of said one or more sliced video files (Balthaser: column 1, lines 43-67), said script further configured to control playing and loading of said one or more sliced video files (Balthaser: column 27, lines 5-15); and slicing video data into said one or more sliced video files according to a parameter of said script (Balthaser: column 23, lines 45-57), as in claim 1.

Regarding claim 2, Balthaser discloses preloading said one or more sliced video files (Balthaser: column 27, lines 30-45; column 48, lines 25-65), as in the claim.

Regarding claim 3, Balthaser discloses adaptively loading said one or more sliced video files according to effective bandwidth (Balthaser: column 37, lines 45-67), as in the claim.

Regarding claim 4, Balthaser discloses selectively playing said one or more sliced video files according to a video rating parameter (Balthaser: column 19, lines 32-65), as in the claim.

Regarding claim 5, Balthaser discloses selectively playing said one or more sliced video files according to a user rating parameter (Balthaser: column 20, lines 1-37), as in the claim.

Regarding claim 6, Balthaser discloses selectively playing said one or more sliced video files according to a user payment parameter (Balthaser: column 18, lines 30-40), as in the claim.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balthaser.

Balthaser discloses a system for slicing video (Balthaser: figure 1) comprising: a loader

for selectively controlling video slicing (Balthaser: column 29, lines 40-62) and an automated

compression engine in communication with said loader (Balthaser: column 2, lines 45-55;

column 27, lines 5-15), said automated compression engine configured for generating a set of

video slices from a video source (Balthaser: column 23, lines 45-57), said automated

compression engine further configured to create a custom loader (Balthaser: column 2, lines 45-

55), said set of video slices configured for generating a video based on said set of video slices

and said custom loader (Balthaser: column 27, lines 17-28), as in claim 7. However, Balthaser

fails to disclose that the loader is a smart loader as claimed. But one of ordinary skill in the art

upon noting that the slices are loaded according to an asset image upload component (Balthaser:

figure 31, element 618) would readily associate the functions of the claimed smart loader with

Balthaser's asset image upload component, or incorporate those functions into the Balthaser

component in order to make the desired upload function more efficient (Balthaser 27, lines 10-

27). The Balthaser system as modified to have smart loading associated with or incorporated into

the disclosed asset image upload component, has all of the features of claim 7.

Regarding claim 8, the Balthaser system as modified to have smart loading associated

with or incorporated into the disclosed asset image upload component, has a video compressor in

communication with said ACE, said compressor configured for compressing a source video

(Balthaser: column 16, lines 30-43), as in the claim.

Regarding claim 9, the Balthaser system as modified to have smart loading associated

with or incorporated into the disclosed asset image upload component, has an automated video

file server for broadcasting said video (Balthaser: column 37, lines 45-67; column 38, lines 1-60), as in the claim.

Regarding claim 10, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, is configured for playing said video slices consecutively without interruption (Balthaser: column 38, lines 15-40), as in the claim.

Regarding claim 11, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, is configured to allow a user to seek a specific location in said video slices (Balthaser: column 33, lines 40-61), as in the claim.

Regarding claim 12, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, is configure to load said video slices independently from one another (Balthaser: column 27, lines 25-65), as in the claim.

Balthaser discloses a system for slicing video (Balthaser: figure 1) comprising: a loader script and source video (Balthaser: column 29, lines 40-62); and an automated compression engine in communication with said loader (Balthaser: column 2, lines 45-55; column 27, lines 5-15) to create set of one or more video slices from a video source (Balthaser: column 23, lines 45-57), wherein said set contains a custom loader (Balthaser: column 2, lines 45-55), as in claim 13. However, Balthaser fails to disclose that the loader is a smart loader as claimed. But one of ordinary skill in the art upon noting that the slices are loaded according to an asset image upload component (Balthaser: figure 31, element 618) would readily associate the functions of the claimed smart loader with Balthaser's asset image upload component, or incorporate those

functions into the Balthaser component in order to make the desired upload function more efficient (Balthaser 27, lines 10-27). The Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, has all of the features of claim 13.

Regarding claim 14, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, has wherein said custom loader is merged with said one or more video slices (Balthaser: column 23, lines 40-47), as in the claim.

Regarding claim 15, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, has wherein said smart loader script is created by said automated compression engine (Balthaser: column 16, lines 30-40), as in the claim.

Regarding claim 16, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, has a video compressor in communication with said automated compression engine, said compressor configured for compressing said source video (Balthaser: column 16, lines 35-40), as in the claim.

Regarding claim 17, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, has an automated video file server for broadcasting output video (Balthaser: column 37, lines 45-67; column 38, lines 1-40), as in the claim.

Regarding claim 18, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, has wherein said custom loader is user configurable (Balthaser: column 38, lines 40-55), as in the claim.

Regarding claim 19, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, is configured for playing said one or more video slices consecutively without interruption (Balthaser: column 38, lines 15-40), as in the claim.

Regarding claim 20, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, is configured to allow a user to seek a specific location in said video slices (Balthaser: column 33, lines 40-61), as in the claim.

Regarding claim 21, the Balthaser system as modified to have smart loading associated with or incorporated into the disclosed asset image upload component, is configure to load said video slices independently from one another (Balthaser: column 27, lines 25-65), as in the claim.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hunt discloses a method and system for building and using intelligent vector objects. Keys discloses a method and system for creating and delivering electronic, multi-media presentation. Mendhekar discloses a method and apparatus for formatting web pages.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
May 5, 2006

ANDY RAO
PRIMARY EXAMINER